

## **REMARKS**

Claims 1-20 are pending in the application. Claims 1-20 were rejected by the Office Action of December 27, 2005. Claims 1, 9 and 17 are amended herewith. No new matter has been added. Reconsideration of the Claim rejections is requested in view of the Examiner Interview with Examiner Yahveh Comas and Primary Examiner Karl Tamai on February 28, 2006 and the Claims amendments and following Remarks.

Following the Examiner Interview of February 28, 2006, on March 1, 2006 Examiner Yahveh Comas telephoned Applicants Attorney and suggested a claim amendment that would likely make Applicants claims allowable. The Examiner suggested an amendment regarded the positioning of the stator and the positioning of the second material relative to the stator. In response, Applicants submit that the claim amendments presented herewith satisfies the Examiners suggestion and more clearly defines Applicants novel claimed invention over the cited references.

### **Claims Rejected Under 35 U.S.C. § 102(b)**

The Office Action rejects claims 1, 4-6, 9, 12-14, 17 and 19-20 under 35 U.S.C. 102(b) as being anticipated by Morita (U.S. Patent 5,479,304). Applicants traverse the claims rejection. In order to serve as a §102 reference, the reference must teach every aspect of the claimed invention either explicitly or impliedly (MPEP §706.02). The cited reference Morita has not done so for at least the following reasons.

The pending Office Action, like the previous Office Action cites the same U.S. Patent by Morita (U.S. Patent 5,479,304) and states that Applicants Response remarks mailed September 17, 2005 are persuasive. Among the changes from the first Office Action, the Examiner changed his definition of the Morita base plate. The First Office Action defined the Morita base plate 30 to comprise a first material 1 (bracket 1) and a second material 18 (reinforcement plate 18). The pending Office Action now defines the Morita base plate 30 to comprise a first material 1 (bracket 1) and a second material 30 (base plate 30).

### Applicant's Independent Claims 1, 9 and 17

In contrast to Applicant's claimed invention, Morita positions a magnet outboard (or radially outside) of a stator. This positioning teaches away from Applicant's claimed invention.

For example, since the Morita magnet is outboard of the stator, the Morita base plate 30 is attached substantially further outboard as compared to Applicants second material 234 interface. Should Morita reposition the base plate 30 further inward, then the magnetic field from the magnet will interact with the Morita base plate 30. In contrast, Applicants second material 234 is positioned "at least one of radially outside of the stator and axially adjacent to the stator" and thus can be positioned further inboard.

Additionally, since the Morita base plate 30 must be positioned further outboard, consequently less of the desirable rigid material is used as compared to Applicants second material 234. Further, in contrast to Applicants interface, Morita stacks its bracket 1 on top of its base plate 30 occupying precious axial space.

Additionally, Applicant's invention claims a composite material base plate comprising a first and second material. In contrast, Morita illustrates a motor assembly design that is installed on a base plate. Morita extends its axial hub holder 3 to bracket 1 and finally to stack with its base plate 30.

### Dependent Claims 4-6, 12-14 and 19-20

Claims 4-7 depend on claim 1, claims 12-14 depend on claim 9, and claims 19-20 depend on claim 17. It is submitted that these dependent claims are allowable for at least the reasons as discussed in regards to the independent claims 1, 9 and 17. Further, these dependent claims recite further features and combinations of features that are not anticipated by Morita.

### Claims Rejected Under 35 U.S.C. § 103(a)

The Office Action rejects claims 2-3, 10-11 and 18 under 35 U.S.C. 103(a) as being unpatentable over Morita (U.S. Patent 5,479,304). The Office Action rejects claims 7 and 15 under 35 U.S.C. 103(a) as being unpatentable over Morita (U.S. Patent 5,479,304) in view of the Examiners

coined Applicant Admitted Prior Art. The Office Action rejects claims 8 and 20 under 35 U.S.C. 103(a) as being unpatentable over Morita (U.S. Patent 5,479,304) in view of Heine (U.S. Patent 6,005,748).

Applicants traverse the rejections. Obviousness under 35 U.S.C. §103(a) is not established against Applicants claimed invention. Features of Applicants claimed invention are not taught or suggested by the references either individually or combined. Further, there is no suggestion or motivation either in the references or in knowledge generally available to one of ordinary skill in the art to modify the references or combine the references. Morita does not teach or suggest Applicants claimed invention, in particular Applicants independent claims 1, 9 and 17. In particular, Morita teaches away from Applicants invention, and the application of Morita to Applicants invention would cause an inoperative result as described above.

It is additionally submitted that Applicants dependent claims 2-3, 7-8, 10-11, 15, 18 and 20 are allowable for at least the reasons mentioned above with regard to their respective independent claims. Further, the dependent claims recite further features and combinations of features that are patentable distinct and not taught or suggested by the cited references even as combined.


Further, although a statement for the rejection of claim 16 is again not provided by the Examiner, Applicant submits that claim 16 is allowable for at least the reasons given in regard to claim 8.

## CONCLUSION

In view of the foregoing, it is submitted that amended claims 1-20 patentably define the subject invention over the cited reference of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, please contact the undersigned at Tel. (310) 312-1500.

Respectfully submitted,  
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*I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 3, 2006.*

  
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